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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR - 1996

In the Matter of)

Amendment of Parts 2 and 25 of the)
Commission's Rules To Allocate the)
13.75-14.0 GHz Band to the Fixed)
Satellite Service)

ET Docket No. 96-20
RM-8638

Comments of Hughes Communications Galaxy, Inc.

Hughes Communications Galaxy, Inc. ("HCG") submits its comments on the Commission's Notice of Proposed Rulemaking in this proceeding. As set forth more fully below, HCG endorses the Commission's proposal to allocate the 13.75-14.0 GHz band for the fixed satellite service ("FSS"), and to make conforming changes to the service rules contained in Part 25.

HCG has a particular interest in this proposed allocation because it has pending an application for authority to construct, launch, and operate an FSS communications satellite system, to be known as "Galaxy VIII(I)," which will provide state-of-the-art satellite services between and among the United States and Mexico, the Caribbean, and Central and South America.^{1/} HCG has proposed to locate Galaxy VIII(I) at 95° W.L. and to operate it at 13.75-14.0 GHz (uplink) and 11.45-11.70 GHz (downlink).

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^{1/} Hughes Communications Galaxy, Inc., File Nos. 47-DSS-P/LA-94; CSS-94-018.

A. The Commission's Proposal Will Support the Growth of a Competitive U.S. Satellite Industry.

The proposed amendments to the Commission's Rules should be adopted because they will expand the growth potential of the satellite industry by helping to correct the existing imbalance between the amount of uplink and downlink frequencies that are available for FSS use. A significant imbalance in available spectrum currently exists in the U.S. because the 10.95-11.2 GHz and 11.45-11.7 GHz downlink bands are not "paired" with any uplink bands. Making the 13.75-14.0 GHz band available for FSS service by U.S. licensed systems will provide 250 MHz of much-needed uplink spectrum and thereby allow U.S. satellite operators to compete more effectively in the growing international market.

One of the Commission's guiding principles in developing United States satellite policy should continue to be the promotion of an internationally competitive United States satellite industry. The Commission should provide U.S. satellite operators every chance to compete with satellite system providers in other countries in offering their services. As HCG has noted earlier in this proceeding, many other governments are now in the process of registering international systems that will use the 13.75-14.0 GHz band for uplink operations. Over one hundred satellite systems worldwide propose to use 13.75-14.0 GHz, some of which are at locations particularly well-suited to providing service to and from the United States. It is therefore critical to the competitiveness of the United States satellite industry, both at home and abroad, that the Commission allocate the 13.75-14.0 GHz band for FSS uplinks to allow U.S. licensed satellite systems to operate in that band.

B. The Commission Should Adopt Its Current Proposal Now and Reconcile It Later with WRC-95 Results.

HCG applauds the Commission's proposal to allocate the 13.75-14.0 GHz band for GSO FSS as promptly as possible. Doing so will provide U.S. satellite licensees with immediate access to the spectrum that they need to compete on a global basis. In this regard, HCG supports the Commission's proposal to adopt as the sharing criteria for the 13.75-14.0 GHz band the U.S. WRC-95 proposals for international footnotes 855A, 855B and 855C, and to address at a later date the reconciliation of those proposals with the Final Acts of WRC-95.^{2/} There are slight differences between the U.S. Proposals for WRC-95 and the final footnotes adopted in the Final Acts^{3/}, and HCG urges the Commission to reconcile the rules proposed here with the WRC-95 Final Acts at the earliest practicable time. Ultimately replacing the footnotes proposed in this NPRM with the footnotes adopted at WRC-95 will help ensure that a uniform basis exists around the world for coordinating the different uses of this band.

C. Efficient Coordination Processes Should be Developed.

HCG has no objection to the Commission's proposal to require coordination between commercial FSS systems and NASA's TDRSS system in the 13.75-13.8 GHz band. However, to ensure that commercial use of that part of the band is not delayed or unduly constrained, HCG urges the Commission to include affected FSS applicants directly in

^{2/} In re Amendment of Parts 2 and 25, FCC 96-55 (released February 23, 1996), ¶ 1 & n.3.

^{3/} See international footnotes S5.502, S5.503 and S5.503A, as contained in the Final Acts of WRC-95 at 175-76.

intergovernmental coordination discussions. Allowing the active participation of commercial companies will facilitate the accurate assessment of the potential for interference and the development of the most appropriate operating arrangements that are needed to avoid harmful interference. In addition, in order to ensure the prompt provision of commercial service in the 13.75-14.0 GHz band, it is important that all such coordination processes be completed promptly. HCG therefore urges the Commission to submit promptly to NTIA all commercial applications in the affected band and to ensure that coordination discussions are completed in a reasonable timeframe.

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For the foregoing reasons, HCG fully supports the Commission's proposal to amend the Table of Frequency Allocations to allow use of the 13.75-14.0 GHz band by FSS uplinks and to make conforming changes to Part 25.

Respectfully submitted,

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